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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,907	01/28/2002	Thibaut Montanari	ATOCM-246	1484
23599	7590	12/03/2003	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			WOODWARD, ANA LUCRECIA	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/055,907	MONTANARI ET AL.	
	Examiner	Art Unit	
	Ana L. Woodward	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1/28/02, 6/03/02, 6/25/02, 10/23/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-22, 25-28 and 30-61 is/are pending in the application.
- 4a) Of the above claim(s) 4, 8, 22, 27, 31, 32, 34 and 58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9-21, 25, 26, 28, 30, 33, 35-57, 59-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6/03/02; 6/25/02                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of group I comprising the composition comprising A, B, C, D and M, per example 19 of the specification, as the ultimate composition in Paper filed October 23, 2003 is acknowledged. The traversal is on the ground(s) that the examiner should withdraw the requirement because the patentability of claim 22 resides in the article of claim 21. This is not found persuasive because applicant have not submitted evidence or identified such evidence now of record showing the species to be obvious variants or clearly admitted on the record that this is the case.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 4, 8, 22, 27, 31, 32, 34 and 58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group or species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper filed October 15, 2003.

***Claim Rejections - 35 USC § 112***

3. Claims 1-3, 5-7, 9-21, 25, 26, 28, 30, 33, 35-57 and 59-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, no distinction can be seen between the semi-crystalline polyamide (A) which contains partial amorphous character and the amorphous polyamide (B).

In claim 1, component (A) also reads on components (C), (D) and (M). It is noted that component (D) encompasses semi-crystalline polyamides.

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In claim 1, component (B) also reads on the components (C), (D) and (M).

In claim 1, line 10, it is unclear if or how the language “(b1), (B2) and (B)” limits the *claimed subject matter*.

In claim 1, it is unclear how the optional monomers, other the lactam, distinguish from the required monomers of (B1) and (B2).

In claim 1, lines 14 and 18, the term “supple” is indefinite.

In claim 1, the “compatibilizer (D)”<sup>and</sup> the “supple modifier (M)” are indefinite as to scope and meaning. As presently recited, said components do not distinguish from any of the other recited components.

In claim 1, “the remainder to 100% being said semi-crystalline polyamide (A)” is awkward and redundant in light of lines 1-3.

In claims 1, 37 and 38, the spelling of “compatibilizer” is queried.

In claims 3, 7, 9, 11, 50, 55, 56 and 60, the notation “PA-“ is indefinite.

In claims 4, 48 and 50 “equilibrated” is indefinite as to scope and meaning.

In claims 10, 11, 38, 55, 56, “catalyzed” is indefinite as to scope and meaning.

In claims 12 and 57-59, “ethylene-polypropylene (EPR) copolymer” versus “ethylene-propylene copolymer (EPR)” is queried.

In claim 12, “EPDM” has not been defined.

In claim 20, no express antecedent basis is seen for the lower limit of “2%” governing component (B).

In claim 25, line 2, “a” versus “an” is queried.

In claim 25, the Markush group format is improper.

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In claim 28, caprolactam does not contain at least 9 carbon atoms.

In claim 39, "functionalized" is indefinite as to scope and meaning.

In claims 46 and 47, "functional amount" is indefinite as to scope and meaning.

In claim 46, there is no express antecedent basis for a compatibilizer "(B)".

Claims 51-53 are not further limiting.

In claims 57 and 59, the Markush group format is indefinite due to "or".

In claim 60, there is no express antecedent basis for (N).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 9-11, 13-21, 25, 26, 28, 30, 33, 37, 38, 41-50 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,886,087 (Dalla Torre).

Dalla Torre disclose blends of (A) a transparent amorphous polyamide obtained from a) at least one cycloaliphatic diamine and at least one aliphatic dicarboxylic acid or b) at least one aliphatic diamine and at least one cycloaliphatic dicarboxylic acid and (B) a homopolyamide. The homopolyamide is present in an amount up to 60% by weight of the composition and includes polyamides, which meet applicants' semi-crystalline polyamide (A) (column 3, lines 5-12). Optional conventional additives may also be present.

In example 4, a mixture of 50 weight % of a polyamide made from bis-(3-methyl4-amino-cyclohexyl) methane and dodecanedioic acid and PA-12 is disclosed. Said mixture meets

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the requirements of the present claims in terms of the types of materials added but not their contents. It is maintained that it would have been obvious to one having ordinary skill in the art to have produced a composition meeting the amounts set forth in the present claims because the homopolyamide can be used in an amount of up to 60% by weight. Accordingly, absent evidence of unusual or unexpected results, no patentability can be seen in the presently claimed invention.

With respect to the requirement that the amorphous polyamide be derived from isophoronediamine, it is believed that such is generically encompassed and obvious from the generic disclosure of cycloaliphatic diamines disclosed by the reference.

Although the reference does not expressly exemplify blends of the homopolyamide, it is maintained that it would have been obvious to one having ordinary skill in the art to have employed a blend thereof for their expected additive effect, absent evidence of unusual or unexpected results. A mixture of PA-12 and PA-11, as the homopolyamide component, would meet the requirements of claim 9, etc.

5. Claims 6, 7, 12, 35, 36, 39, 40, 51-55, 57 and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,886,087 (Dalla Torre), described hereinabove, in view of U.S. 5,288,799 (Schmid et al) and U.S. 4,977,213 (Giroud-Abel et al)

Dalla Torre et al differ in essence from the above-rejected claims in not expressly exemplifying the employ of a component corresponding to applicants' recited component C) or modifier (M). In this regard, attention is directed to the analogous teaching of Schmid et al for disclosing the employ of functionalized polyolefins containing acid, amino, epoxy or anhydride groups as suitable compatibility agents for the semi-crystalline polyamide and amorphous

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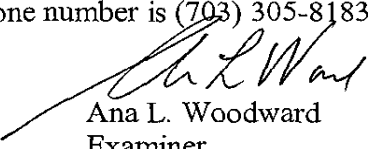
polyamide. Attention is also directed to Giroud-Abel et al for its teaching of the conventionality of adding elastomers, such as, functionalized polyolefins and polyesteramides, to polyamide blends. In light of said disclosure, it would have been obvious to one having ordinary skill in the art to have employed a functionalized polyolefin and/or a polyesteramide, falling within the scope of the present claims, for the component(s) expected additive effect. Accordingly, absent evidence of unusual or unexpected results, no patentability can be seen in the presently claimed subject matter.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (703) 308-2401. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (703) 308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8183.

  
Ana L. Woodward  
Examiner  
Art Unit 1711

AW